

# Appendix I

## Montana Action Screen and Mitigation Process



This Page Intentionally Blank

## I. Montana Project/Action Screen and Mitigation Process

The BLM/USFS will ensure that any activities or projects in GRSG habitats would: 1) only occur in compliance with the Idaho and Southwestern Montana sub-region GRSG goals and objectives for PHMA and GHMA; and 2) maintain neutral or positive GRSG population trends and habitat by avoiding, minimizing, and compensating for unavoidable impacts to assure a conservation gain at the scale of this LUP and within GRSG population areas, State boundaries, and WAFWA Management Zones through the application of mitigation for implementation-level decisions. Impacts to GRSG could include loss or disturbance of nesting or wintering habitat as well as disruption of breeding activities at the lek site. The mitigation process will follow the regulations from the White House Council on Environmental Quality (CEQ) (40 CFR 1508.20; e.g. avoid, minimize, and compensate), hereafter referred to as the mitigation hierarchy, while also following Secretary of the Interior Order 3330 and consulting BLM, USFWS and other current and appropriate mitigation guidance. If it is determined that residual impacts to GRSG from implementation-level actions would remain after applying avoidance and minimization measures to the extent possible, then compensatory mitigation projects will be used to offset residual impacts, or the project may be deferred or denied if necessary to achieve the goals and objectives for PHMA and GHMA in the Idaho and Southwestern Montana Sub-region GRSG LUPA/EIS.

To ensure that impacts from activities proposed in GRSG PHMA and GHMA are appropriately mitigated, the BLM will apply mitigation measures and conservation actions and potentially modify the location, design, construction, and/or operation of proposed land uses or activities to comply with statutory requirements for environmental protection. The mitigation measures and conservation actions (**Appendix B**) for proposed projects or activities in these areas will be identified as part of the National Environmental Policy Act (NEPA) environmental review process, through interdisciplinary analysis involving resource specialists, project proponents, government entities, landowners or other Surface Management Agencies. Those measures selected for implementation will be identified in the Record of Decision (ROD) or Decision Record (DR) for those authorizations and will inform a potential lessee, permittee, or operator of the requirements that must be met when using BLM-administered public lands and minerals to mitigate, per the mitigation hierarchy referenced above, impacts from the activity or project such that sage-grouse goals and objectives are met. Because these actions create a clear obligation for the BLM to ensure any proposed mitigation action adopted in the environmental review process is performed, there is assurance that mitigation will lead to a reduction of environmental impacts in the implementation stage and include binding mechanisms for enforcement (CEQ Memorandum for Heads of Federal Departments and Agencies 2011).

To achieve the goals and objectives for PHMA and GHMA in the Idaho and Southwestern Montana Sub-region GRSG LUPA/EIS, the BLM will assess all proposed land uses or activities such as road, pipeline, communication tower, or powerline construction, fluid and solid mineral development, range improvements, and recreational activities proposed for location in GRSG PHMA and GHMA in a step-wise manner. The following steps identify a screening process for review of proposed activities or projects in these areas. This process will provide a consistent approach and ensure that authorization of these projects, if granted,

will appropriately mitigate impacts and be consistent with the LUP goals and objectives for GRSG. The following steps provide for a sequential screening of proposals. However, Steps 2 through 6 can be done concurrently.

### **Step 1 – Determine Proposal Adequacy**

This screening process is initiated upon formal submittal of a proposal for authorization for use of BLM lands. The actual documentation of the proposal would include at a minimum a description of the location, scale of the project and timing of the disturbance. The acceptance of the proposal(s) for review would be consistent with existing protocol and procedures for each type of use.

### **Step 2 – Evaluate Proposal Consistency with LUP**

This initial review should evaluate whether the proposal would be allowed as prescribed in the LUP. For example, some activities or types of development are prohibited in PHMA or GHMA. Evaluation of projects will also include an assessment of the current state of the Adaptive Management hard and soft triggers. If the proposal is for an activity that is specifically prohibited, the applicant should be informed that the application is being rejected since it would not be allowed, regardless of the design of the project.

### **Step 3 – Determine Proposal Consistency with Density and Disturbance Limitations**

If the proposed activity occurs within a PHMA, evaluate whether the disturbance from the activity exceeds the limit on the amount of disturbance allowed within the activity or project area (DDCT process). If current disturbance within the activity area or the anticipated disturbance from the proposed activity exceeds this threshold, the project would be deferred until such time as the amount of disturbance within the area has been reduced below the threshold, redesigned so as to not result in any additional surface disturbance (collocation) or redesigned to move it outside of PHMA.

### **Step 4 – Determine Projected Sage-Grouse Population and Habitat Impacts**

Determine if the project will have a direct or indirect impact on GRSG populations or habitat within PHMA or GHMA. This will include:

- Reviewing GRSG Habitat delineation maps to initially assess potential impacts to GRSG. Use of the *USGS report Conservation Buffer Distance Estimates for Greater Sage-Grouse—A Review* to assess potential project impacts based upon the distance to the nearest lek, using the most recent active lek data available from the state wildlife agency. This assessment will be based upon the direction in **Appendix B**:
- Review and application of current science recommendations.
- Reviewing the ‘Baseline Environment Report’ (USGS) which identifies areas of direct and indirect effect for various anthropogenic activities.

- Consultation with agency or State Wildlife Agency biologist.
- Evaluating consistency with (at a minimum) State GRSG regulations
- Or other methods needed to provide an accurate assessment of impacts.

If the proposal will not have a direct or indirect impact on either the habitat or population, document the findings in the NEPA and proceed with the appropriate process for review, decision and implementation of the project.

### **Step 5 –Apply Avoidance and Minimization Measures to Comply with Sage-Grouse Goals and Objectives**

If the project can be relocated so as to not have an impact on GRSG and still achieve objectives of the proposal and the disturbance limitations, relocate the proposed activity and proceed with the appropriate process for review, decision and implementation (NEPA and Decision Record). This step does not consider redesign of the project to reduce or eliminate direct and indirect impacts, but rather authorization of the project in a physical location that will not impact GRSG. If the preliminary review of the proposal concludes that there may be adverse impacts to GRSG habitat or populations in Step 4 and the project cannot be effectively relocated to avoid these impacts, proceed with the appropriate process for review, decision and implementation (NEPA and Decision Record) with the inclusion of appropriate mitigation requirements to further reduce or eliminate impacts to GRSG habitat and populations and achieve compliance with GRSG objectives. Mitigation measures could include disturbance buffer limits, timing of disturbance limits, noise restrictions, design modifications of the proposal, site disturbance restoration, post project reclamation, etc. (see **Appendix B** for a more complete list of measures). Compensatory or offsite mitigation may be required (Step 6) in situations where residual impacts remain after application of all avoidance and minimization measures.

### **Step 6 – Apply Compensatory Mitigation or Reject / Defer Proposal**

If screening of the proposal (Steps 1 through 5) has determined that direct and indirect impacts cannot be eliminated through avoidance or minimization, evaluate the proposal to determine if compensatory mitigation can be used to offset the remaining adverse impacts and achieve GRSG goals and objectives. If the impacts cannot be effectively mitigated, reject or defer the proposal. The criteria for determining this situation could include but are not limited to:

- The current trend within PHMA is down and additional impacts, whether mitigated or not, could lead to further decline of the species or habitat.
- The proposed mitigation is inadequate in scope or duration, has proven to be ineffective or is unproven in terms of science based approach.
- The project would impact habitat that has been determined to be a limiting factor for species sustainability.

- Other site specific information and analysis that determined the project would lead to a downward change of the current species population or habitat and not comply with GRSG goals and objectives.

If, following application of available impact avoidance and minimization measures, the project can be mitigated to fully offset impacts and assure conservation gain to the species and comply with GRSG goals and objectives, proceed with the appropriate process for review, decision and implementation (NEPA and Decision Record).

The BLM/USFS, via the WAFWA Management Zone Greater Sage-Grouse Conservation Team, will develop a WAFWA Management Zone Regional Mitigation Strategy to guide the application of the mitigation hierarchy to address greater sage-grouse impacts within that Zone. The WAFWA Management Zone Regional Mitigation Strategy will be applicable to the States/Field Offices/Forests within the Zone's boundaries. Subsequently, the BLM Field Office/USFS Forest's NEPA analyses for implementation-level decisions, which have the potential to impact GRSG, will include analysis of mitigation recommendations from the relevant WAFWA Management Zone Regional Mitigation Strategy(ies).

Implementation of the Regional Mitigation Strategy may involve managing compensatory mitigation funds, implementing compensatory mitigation projects, certifying mitigation/conservation banks, and reporting on the effectiveness of those projects. These types of mitigation implementation actions may be most effectively managed at the State-level, in collaboration with partners. BLM State Office/USFS Region may find it most effective to enter into an agreement with a State-level program administrator (e.g. a NGO, a State-level entity) to help manage these aspects of mitigation. The BLM/USFS will remain responsible for making decisions that affect Federal lands.

The BLM's Regional Mitigation Manual MS-1794 serves as a framework for developing and implementing a Regional Mitigation Strategy. **Appendix J** provides additional guidance specific to the development and implementation of a WAFWA Management Zone Regional Mitigation Strategy.